

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.1365 of 2020**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**06.09.2021**

Mr. Mushtaq Ahmed Jahangiri, Advocate a/w Applicants (on bail).  
Ms. Rahat Ehsan, Addl. Prosecutor General, Sindh along with SIP  
Faqeer Hussain of P.S Site, Karachi.  
Mr. Guzain Z. Magsi, Advocate for the Complainant.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicants Danish Fazal, Fahad Fazal, Syed Waqar Ahmed and Tabish Tanveer seek their admission on pre-arrest bail in Crime No.172/2020 of Police Station SITE-B, Karachi, under Section 420/408/506/34 PPC. The bail plea preferred by the applicants before first forum was declined by means of order dated 08.09.2021, hence this bail application.

Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with Court file, therefore, there is no need to reproduce the same.

SIP Faqeer Hussain of P.S SITE-B, Karachi present, files report, same is hereby taken on record.

Learned counsel for the applicants submits that evidence of all prosecution witnesses has been recorded before the trial Court and trial has been concluded; thereby, prosecution has also closed its side. The case before trial Court is fixed for recording statement of the accused in terms of section 342 Cr.P.C; hence, submits that any adverse order may prejudice case of applicants, therefore, by granting instant application, interim bail granted to them earlier may be confirmed. Next adds that punishment provided by the law for the sections applied in the FIR does not exceed limits of prohibitory

clause of section 497 Cr.P.C; besides, most of the evidence is based upon documents which are in possession of prosecution which has been adduced before the trial Court.

Learned Addl. P.G, Sindh as well as counsel for the complainant oppose the bail application; however, admit that case before trial Court has been concluded and it is at the verge of recording statement of accused.

**Heard arguments and perused record.** Since the evidence of prosecution witnesses has been recorded and the trial has been concluded which is about to disposal and at this juncture declining of bail to accused may prejudice their case before the trial Court. The punishment provided by the law does not exceed limits of prohibitory clause of section 497 Cr.P.C. Accordingly, instant bail application is hereby allowed; interim bail granted earlier to applicants **Danish Fazal son of Fazal Imam, Fahad Fazal son of Fazal Imam, Syed Waqar Ahmed son of Syed Nisar Ahmed and Tabish Tanveer son of Sheikh Muhammad Tanveer Ullah** on 14.09.2020 is hereby confirmed on same terms and conditions.

Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

Applicants present before the Court are directed to continue their appearance before the trial Court without negligence till final decision of main case.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

**JUDGE**

Zulfiqar/P.A